

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JORGE E. TSUHAKO,

Defendant.

4:15-CR-3027

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Preliminary Order of Forfeiture (filing 184). Count I of the indictment in this case (filing 1) charged the defendant with conspiring to use unauthorized access devices with intent to defraud, during a 1-year period, and by such conduct obtaining something of value aggregating \$1,000 or more, in violation of 18 U.S.C. § 1029(a)(2) and (b)(2). The indictment contained a forfeiture allegation seeking the forfeiture, pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C), of:

1. a White 2002 Ford F250 Super Duty pick up, VIN # 1FTNF12EC88010, Nebraska license # TVC324, registered to Jorge Aleman Tsuhako, 4228 Harrison St., Omaha, NE; and
2. a White H & H utility trailer, model 4WH TC 16 2, VIN # 533TC1621EC232807, Nebraska license # 22X-4679, registered to Jorge Aleman Tsuhako, 407 E. 13th St., Crete, NE.

Filing 1. The defendant has pled guilty to Count I of the indictment and admitted the forfeiture allegation. Filings 161 and 172. By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited his interest in the property, and the plaintiff should be entitled to possession of the property pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C). Therefore, the plaintiff's Motion for Preliminary Order of Forfeiture will be granted.

IT IS ORDERED:


1. The plaintiff's Motion for Preliminary Order of Forfeiture (filing 184) is granted.

2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the indictment, the plaintiff is authorized to seize (1) the White 2002 Ford F250 Super Duty pick up, VIN # 1FTNF12EC88010, Nebraska license # TVC324, registered to Jorge Aleman Tsuhako, 4228 Harrison St., Omaha, NE; and (2) the White H & H utility trailer, model 4WH TC 16 2, VIN # 533TC1621EC232807, Nebraska license # 22X-4679, registered to Jorge Aleman Tsuhako, 407 E. 13th St., Crete, NE.
3. The defendant's interest in the property is forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [18 U.S.C. §§ 982\(a\)\(2\)\(B\)](#) and [1029\(c\)\(1\)\(C\)](#).
4. The property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to Supp. Admiralty and Maritime Claims R. G(4)(a)(iii)(B), the plaintiff shall publish for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and relief sought.
7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.

8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [18 U.S.C. §§ 982\(a\)\(2\)\(B\)](#) and [1029\(c\)\(1\)\(C\)](#), in which all interests will be addressed.

Dated this 28th day of October, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge